



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,926	02/13/2001	Douglas R. Foster	41992-00405	1667

7590

04/08/2005

MARSH FISCHMANN & BREYFOGLE LLP  
Suite 411  
3151 South Vaughn Way  
Aurora, CO 80014

EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/782,926

Applicant(s)

FOSTER ET AL.

Examiner

HUNG Q PHAM

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 10-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 5 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 5 and 28 recite the limitation *said query viewing client application*. There is insufficient antecedent basis for this limitation in the claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2162

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 7, 8, 27, 31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Namikata et al. [USP 5,996,003].**

Regarding claims 1 and 27, Namikata teaches a computer implemented collaboration system comprising:

*a data management tier including at least one data source (FIG. 1, DOCUMENT STORING UNIT 3);*

*a repository tier including at least one repository server associated with said at least one data source (INFORMATION MANAGEMENT CONTROL UNIT 1 and SELECTING UNIT 4, Col. 4, Lines 10-22 and 30-32) and enabled for accessing data items within said at least one data source (Col. 4, Lines 30-32) using access methods native to said at least one data source (Col. 4, Lines 38-44) to create at least one document including data items selected from said at least one data source (Col. 4, Lines 30-32, and 36-37), said at least one document being associable with at least one conference accessible to a plurality of participants (Col. 4, Lines 52-60);*

*a user interface tier including at least one client tool enabled for displaying the data items within said at least one data source on a user terminal connectable with said computer implemented collaboration system (FIG. 1, DOCUMENT LIST DISPLAY UNIT 11 and DOCUMENT DISPLAY UNIT 13, Col. 4, Lines 64-Col. 5, Line 3, Col. 5, Lines 30-35);*

*a services tier including at least one data channel server associated with said at least one document, said at least one data channel server being created when said at least one document is associated with said at least one conference (FIG. 5D, TWO-LAYER STRUCTURE, Col. 5,*

Art Unit: 2162

Lines 36-41), *said at least one data channel server providing an interface between said at least one repository server and said at least one client tool* (TWO-LAYER STRUCTURE is an interface between DOCUMENT DISPLAY UNIT and INFORMATION MANAGEMENT CONTROL UNIT); and

*at least one extended property associated with each data item within said at least one data source, said at least one extended property being maintained within said at least one data channel server and available for display by said at least one client tool only within said at least one conference with which said at least one document is associated* (FIG. 5A, POINTER ON/OFF, or SYNC ON/OFF is a displayed extended property by DOCUMENT DISPLAY UNIT, and maintained by TWO-LAYER STRUCTURE, Col. 8, Lines 11-56; as in FIG. 9A is the association of extended property with each data item).

Regarding claims 2 and 31, Namikata teaches all the claimed subject matters as discussed in claims 1 and 27, Namikata further discloses *at least one extended property comprises one of a visualization property and a control property for use in displaying the data items with said at least one client tool* (FIG. 5A, POINTER ON/OFF, or SYNC ON/OFF).

Regarding claim 3, Namikata teaches all the claimed subject matters as discussed in claim 1, Namikata further discloses *a plurality of client tools enabled for displaying the data items within said at least one data source* (FIG. 5B).

Regarding claim 7, Namikata teaches all of the claimed subject matter as discussed above with respect to claim 1, Namikata further discloses *a conference manager*

Art Unit: 2162

*client tool enabled for managing communication between multiple user terminals connectable with said computer implemented collaboration system* (FIG. 1, TRANSMITTING UNIT 5).

Regarding claims 8 and 33, Namikata teaches all the claimed subject matters as discussed in claims 1 and 27, Namikata further discloses *at least one extended property is maintained in said at least one data channel server in a directed a-cyclic graphical form* (FIG. 9A-B).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 5, 6 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namikata et al. [USP 5,996,003] in view of Skarbo et al. [USP 6,317,777 B1].**

Regarding claims 5 and 28, Namikata teaches all the claimed subject matters as discussed in claims 1 and 27, Namikata further discloses *a library server providing an interface between said query viewing client application and said at least one repository server* (Namikata, FIG. 1), but fails to teach *a query viewing client tool enabled for use in constructing queries for selecting data from said at least one data source meeting particular criteria; a library server providing an interface between said query viewing client application and said at least one repository server* (Skarbo, FIG. 1B). Skarbo teaches a document-collaboration videoconferencing system between a first and a second conference attendee (Abstract). Skarbo further discloses *a query viewing client tool enabled for use in constructing queries for selecting data from said at least one data source meeting particular criteria* (Skarbo, FIG. 3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Namikata system by including the technique of constructing queries as taught by Skarbo in order to search for a particular document for the conference.

Regarding claim 6, Namikata and Skarbo, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Skarbo further discloses *query viewing client tool is enabled for use in constructing at least one of a standing query and a static query* (Skarbo, FIG. 3).

Art Unit: 2162

Regarding claim 29, Namikata and Skarbo, in combination, teach all of the claimed subject matter as discussed above with respect to claim 28, Namikata further discloses *query viewing client tool is enabled for use in constructing at least one of a standing query and a static query* (Namikata, FIG. 5B), *wherein a document representing data items selected as a result of a standing query is updated when the selected data items change* (Namikata, Col. 18, Lines 52-61).

Regarding claim 30, Namikata and Skarbo, in combination, teach all of the claimed subject matter as discussed above with respect to claim 27, Namikata further discloses *a conference manager client tool enabled for managing communication between multiple user terminals connectable with said computer implemented collaboration system , each said document being placed within a conference managed by said at least one conference manager client tool* (FIG. 1, TRANSMITTING UNIT 5).

**Claims 4 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namikata et al. [USP 5,996,003] in view of Simonoff [USP 6,463,460 B1].**

Regarding claims 4 and 32, Namikata teaches all the claimed subject matters as discussed in claims 3 and 27, but fails to disclose *client tools include a list viewer, a map viewer, and an X-Y data plotter*. Simonoff teaches a *client tool include a list viewer, a map viewer, and an X-Y data plotter* (Simonoff, FIG. 4). It would have been obvious for one of ordinary



Art Unit: 2162

skill in the art at the time the invention was made to include a list viewer, map viewer and X-Y data plotter as taught by Simonoff in order to visualize data for a conference.

**Claims 9 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namikata et al. [USP 5,996,003] in view of Goldberg et al. [USP 6,430,556 B1].**

Regarding claims 9 and 34, Namikata teaches all the claimed subject matters as discussed in claims 1 and 27, but fails to disclose *at least one repository server, said at least one client tool, and said at least one data channel server are implemented within a CORBA framework*. Goldberg teaches CORBA for implementing query tool (Goldberg, FIG. 4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to use CORBA to implement query tool in order to query distributed object over the network.

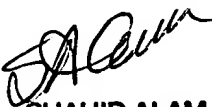
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham  
March 21, 2005

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**